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# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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Thomas G. Gatzunis, P.E.  
Commissioner

Thomas P. Hopkins  
Director

### **Board Meeting Minutes – August 11, 2014**

#### **21<sup>st</sup> Floor – Conference Room 1**

#### **Present Board Members:**

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Andrew Bedar, Member (AB)
- George Delegas, Member (GD)

and

- Thomas Hopkins, Director
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

#### **Members Not Present:**

- Diane McLeod, Vice Chair (DM)
- Carol Steinberg, Member (CS)

- Meeting began at 9:40 a.m.

#### **1) Discussion:** Roll Call

WW – quorum present with Jeff Dougan sitting in for Massachusetts Office on Disability; Diane McLeod and Carol Steinberg not present

#### **2) Discussion:** 11 North Restaurant, 11 North Water Street, Edgartown (V12-206)

TH - EXHIBIT – Executed License Agreement submitted by John Roberts (owner) on August 5, 2014  
- includes plans showing the installation of an incline lift, it is stored on the porch and lands on a sidewalk for people to Board

- sample licenses given to the Board a year ago, but now finally have an executed license agreement from the Board of Selectmen
- closure order in place for the past year because of the lack of access
- would like to be able to lift that order, and would like to allow them to open restaurant, prior to the installation of the lift

*AB - motion to lift the stop work order and allow the restaurant to open prior to the installation of the lift*

*RG - second – carries unanimously*

*JD - install lift within 90 days of issuance of occupancy for the restaurant, submit confirmation upon completion*

*AB - second – carries unanimously*

3) Discussion: 11 North Restaurant, 11 North Water Street, Edgartown (V12-206) – Cont'd

*RG - expedite the decision*

*JD - second – carries unanimously*

4) Incoming: TD Bank, 2 Harbor Loop, Gloucester (V14-206)

- TH - EXHIBITS – variance application and supplemental information
- affidavit for second floor, stating that it is for employees only
  - seeking only one variance for the length of the grab bar
  - no designs showing entrances and check-out counters
  - it appears that they need a variance for the grab bar due to the size of the bathroom overall, so may not meet the 72” by 90” dimensions

*AB - continue to have the petitioners submit more information regarding access to the ATM vestibule, entrances, teller lines, and toilet room dimensions*

*RG - second – carries unanimously*

*JD - accept the affidavit for the second floor*

*RG - second – carries unanimously*

5) Incoming: Milford Medical Center, 14 Prospect Street, Milford (V14-199)

- TH - EXHIBITS – variance application and supplemental information
- over 30%, full compliance required
  - site work is underway for the addition
  - seeking variance for use of portable shower chairs in the ICU rooms (521 CMR 44.6.2c)
  - fixed shower seats required

*RG - grant as proposed*

*AB - second – carries with JD abstaining*

6) Incoming: Union Crossing (Duck Mills), 4 Union St., Lawrence (V14-200)

- TH - EXHIBITS – variance application and supplemental information
- 5 story existing mill building being converted to commercial space for portions of the first floor, 2<sup>nd</sup>-5<sup>th</sup> floor will be apartments
  - spending will be over 30%, but no actual spending given, just a statement that over 30%

- seeking a variance to use a vertical wheelchair lift to serve two floors of the building
- large square footage building
- lift will provide access between the two levels of commercial space

*AB - continue for more information, spending information and a study of the installation of a LULA elevator, and a narrative as to how it will be used*  
*RG - second - carries unanimously*

7) Incoming: School of the Museum of Fine Arts, 230 The Fenway, Boston (V14-201)

TH - EXHIBITS – variance application and supplemental information

- spending over 30%
- seeking 11 variances

*AB - hearing*  
*JD - second - carries*

8) Incoming: Village Hall, 14 Vernon Street, Framingham (V14-202)

TH - EXHIBITS – variance application and supplemental information

- accessible upgrades, toilet rooms and a LULA to the second floor and stage
- don't have spending info, only assessed value
- seeking cab size of LULA to be 51" by 51" with a 90 degree turn, we require under 28.12.3 36" by 60"
- issue with clearances when at the landings

*AB - remove the obstruction to the gate and require the clearances for the LULA*  
*RG - second – carries unanimously*

*AB - require that the Petitioners submit a cost estimate for the proposed work, submitted within 30 days receipt of the decision*

*JD - second – carries unanimously*

9) Incoming: Apartments at 2 Washington Street, Melrose (V14-204)

TH - EXHIBITS – variance application and supplemental information

- new construction
- seeking variance for the sink depths, with lease language about providing compliant sinks upon request to the tenants at no cost to them

*JD - grant as proposed*  
*AB - second – carries unanimously*

10) Incoming: Apartment Building, 84 Fenway, Boston (V14-205)

TH - EXHIBITS – variance application and supplemental information

- elevator improvement project, spending \$600,000
- cab size is 43" by 49" with a 28" door
- existing shaft surrounding by existing stairs
- 32" door required
- work is 90% complete
- no information about if the building entrance is accessible

*JD - grant for the cab size, on the condition that the elevator door complies with 28.6.1, requires a 32" clear opening*

*RG - second – carries unanimously*

*JD - request for more information regarding building permits for the last 36 months*

*- amend to 10 years permit history to be submitted within 45 days receipt of the decision*

*RG - second – carries unanimously*

11) Incoming: O'Brien Funeral Home, 17 Clark Street, East Hampton (V14-207)

TH - EXHIBITS – variance application and supplemental information

- used as funeral home at first floor and basement (employees only), second and third floor are owner occupied residential

- spending over 30%

- proposing a multistory addition to create new wake room and access to it, with continued access to the existing spaces

- entrance ramp will have 36" instead of 48" required by 521 CMR 24.3

*JD - grant as proposed*

*AB - second – carries unanimously*

12) Incoming: Cambridge Athletic Club, 215 First Street, Cambridge (V14-195)

TH - EXHIBITS – variance application and supplemental information

- no jurisdictional analysis provided and some questions not answered

- 3 story athletic club, seeking relief from not having to provide access to the mezzanine

*JD - continue to have more information submitted regarding the spending, no permits issued, and require that the architect and business owner meet with the Board's Director as soon as possible*

*AB - second – carries unanimously*

13) Incoming: WinCAM, Winchester Community Access & Media, Inc., 32 Swanton Street, Winchester (V14-196)

TH - EXHIBITS – variance application and supplemental information

- renovation of existing single story with full basement (used for storage)

- temporary use while new studio being built at the high school

- seeking variance for 30.7.2, 17 ¾" instead of 18" from center line of the toilet to the adjacent wall

*JD - no variance is required based on the fact that the measurements fall within the tolerances allowed under 521 CMR 2.4.4b*

*RG - second – carries unanimously*

14) Incoming: New England Board of Higher Education, 45 Temple Street, Boston (V14-197)

TH - EXHIBITS – variance application and supplemental information

- work on sidewalk vaults

- creating a 1:10 slope at the entrance, also will be equipped with automatic door opener

- also propose nonslip towels

*AB - grant as proposed*

*RG - second – carries unanimously*

15) Incoming: Longfellow Bridge Stairs, Route 3A, Boston and Cambridge (V14-194)

TH - EXHIBITS – variance application and supplemental information  
- four areas of stairs, pedestrian routes that connect the bridge  
- proposing no stair handrails, arguing the historic nature of the stairs

*AB - deny and require the submittal of compliant profiles that keep with the historic nature, which the Board can approve*

*RG - second – carries unanimously*

16) Discussion: Greater Plymouth Center for the Arts, 25 ½ Court Street, Plymouth (V14-042)

TH - previously before the Board in May of 2014  
- EXHIBIT – Bob Hollis letter submitted on July 30, 2014, with specifications of the vertical wheelchair lift  
- 39” by 54” platform, which is to be built into the stage

*RG - grant as proposed*

*JD - second – carries unanimously*

17) Incoming: BART Charter School, 1 Commercial Street, Adams (V14-198)

TH - EXHIBITS – variance application and supplemental information  
- spending over 30%, full compliance required  
- seeking variance to 28.12.2b for the vertical wheelchair lift platform size, due to a structural wall and column  
- platform will be 34” by 48”  
-proposing to not have it recessed into the floor, but no reasoning as to why it can’t be recessed  
- ramp is proposed to access the lift  
- all options show ramps

*JD - deny and show options for recessing the lift*

*RG - second – carries unanimously*

### **BRIEF BREAK**

18) Hearing: Halibut Point Visitor Parking Lot, Gott Avenue, Rockport (V14-125)

WW - called to order at 11:00 a.m.  
- introduce the Board

Thomas McCarthy, Director of Universal Access for Department of Conservation (TM)

Rachael Lee, DCR Universal Access Program Site and Access Specialist (RL)

Mark Dempsey, Compliance Officer for the Board (MD)

Bard-Alan Finlan, Complainant for complaint which resulted in current variance request (BF)

WW - all sworn in  
- EXHIBIT 1 – AAB1-42

KS - variance hearing, based on the variance application submitted

TM - acknowledge that the striping as originally done was not the closest to the park  
- proposing to restripe the lot to make the accessible spaces closest to the park entrance  
- in measuring the slopes of the parking near the park entrance, the slopes were more than 5%  
- repaving of the parking lot in the area would be excessive since it is proposed to be completely repaved and restriped in the next 3-5 years  
- therefore, propose to move the spaces to the closest to the entrance, but not provide compliant slopes  
- access aisle widths were laid out correctly, but the contractors striped the parking lot incorrectly and some of the spaces were too narrow  
- propose to add an additional van accessible space, in an area across from the existing spaces that will be level  
- location of the parking spaces was based on the location adjacent to the park entrance  
- propose to conduct a training for area managers and inform them of their need to be accurate with creating and maintaining accessible parking spaces for the DCR parks  
- have scheduled trainings for DCR staff for those parks  
- will also be meeting with all engineers and giving them a training about creating accessible spaces that meet the requirements or provide for more space  
- to make the spaces 6 inches wider at this point would not benefit for persons with disabilities  
- striping is contracted out

WW - cost estimates to create compliance at the parking space

TM - do not have cost estimates for this particular parking lot, but did do a similar project to shim up a portion of an existing parking lot, it was \$10,000

WW - seeking more of a time variance

GD - restriping the parking lot, costs versus fixing level of the parking lot  
- would not be as big of a cost impact

AB - parking spaces provided

TM - four spaces, with the van accessible space 6-8" too narrow, and then a van accessible space that will comply across the way  
- there will be three fully compliant spaces, with one provided across from the spaces that are directly adjacent to the park entrance

AB - 2017 is the earliest that the parking will be redone

TM - hopefully, and it will be on the construction plan for 2017

JD - three spots restriped, with slope noncompliant with the 1982 requirements for slopes of a parking lot (when the parking was originally paved)  
- the other spaces across the way (20 feet away) provide one van accessible space  
- what if all of those spaces were converted to accessible parking spaces to create 2% compliant slopes

TM - did not measure all of the parking spaces in that area, only where the one is proposed

JD - new proposed compliant van accessible space is 20-30 feet from the entrance

BF - would like to know that the Board had received my May 28, 2014 letter

WW - yes

BF - area of the lot for the proposed van accessible space is less than 2% in that area of the lot  
- spaces in that location would be compliant with 1982 and current requirements of 521 CMR  
- 24 feet to travel to entrance to the park, would not be a significant difference to access the park entrance  
- so would like to see that all the accessible parking spaces be located to the area where the one additional van accessible space is proposed by DCR  
- slopes of the spaces closest to the entrance does not comply and the distance of the access aisle does not meet the requirements of current requirements  
- cost of restriping is minimal  
- also issue with the adjacent walkway and the cherry tree berries  
- that area of the parking lot has issues with maneuvering clearances  
- also issue with lighting at the parking lot  
- understand waiting to repave the parking lot  
- would like to see that all of the accessible parking spaces are moved to the opposite side of the parking lot, approximately 24 feet from the entrance, and would only require restriping of the parking lot  
- good solution until the entire parking lot is repaved

WW - give TM a chance to respond

TM - would be able to provide an additional space at the location of the proposed level parking spaces  
- didn't want to open it up to having all of the parking furthest from the park entrance, would either be further from the entrance or level

JD - how imposing would it be to relocate the accessible parking spaces to the accessible level spaces and then restripe and black out the existing spaces close to the park entrance  
- the spaces that are currently provided, would need to address slopes, which would need to be restriped anyways

MD - if added the van accessible parking spaces, the first two spaces would comply with standard spaces for the widths, but would not be level  
- new space would be van accessible  
- the parking space that is currently too narrow is the furthest from the entrance

BF - the two remaining spaces are the correct width, but the access aisle between the two spaces is not the correct width  
- proposing that the Board grant a variance for relocating the three spaces to further from the park entrance, and have a variance in place for the distance from the entrance to the park  
- moving the spaces would also result in not having to deal with the cherry trees and the rock walls, which are adjacent to the existing accessible spaces near the park entrance  
- no cost estimates submitted regarding restriping, then no argument that the cost is excessive to restripe the parking lot

JD - *grant the variance for the noncompliant slopes of the accessible parking spaces closest to the park entrance per the 1982 requirements*

AB - *second – carries unanimously*

JD - *deny the variance request for the lack of compliant widths (access aisles and parking spaces)*

AB - *second – carries unanimously*

JD - *grant the variance for 23.3.1 for the additional compliant van accessible parking space which is further away than the existing accessible parking spaces*

AB - *second - carries unanimously*

JD - *policy in place about maintaining the parking lot as clear of debris shall be submitted within 60 days receipt of this decision*

AB - *second – carries unanimously*

WW - *what about new parking lot*

KS - *work performed will have to comply when reconstructing the entire parking lot*

JD - *restriping compliant number of accessible parking spaces (3) including the new van accessible space shall be completed with verification submitted by November 1, 2014*

AB - *second – carries unanimously*

RG - *require that the parking lot be brought into full compliance by the end of the recreation season of 2017*

AB - *second - carries with JD opposed*

19) Incoming Discussion: 22 Federal Street, Nantucket (V14-178)

TH - EXHIBIT – submitted via email from Alycia Springer of Beacon Architectural Design, submittal of new pictures and plans

- previously equipped with vertical wheelchair lift, but upgrading to a LULA
- corner post LULA, 51” by 51”
- also seeking a variance for entrances A, B and D
- Entrance E will be the accessible entrance that enters directly into the LULA
- LULA will stop at 3 levels of the building

AB - *grant the variance for the three inaccessible entrances, on the condition that the accessible entrance provided*

GD - *second – carries unanimously*

AB - *grant the variance for the proposed platform size of the LULA*

GD - *second – carries unanimously*

TH - *last variance for the curved stair (27.2)*

JD - *grant the variance for the winder stairs*

AB - *second –*

JD - *on the condition that all other features of the stairs comply (i.e. handrails, nosings, etc.)*  
*- carries unanimously*

20) Incoming Discussion: Crossings at South Dennis, 47 Route 134, Dennis (V14-158)

TH - *now proposing 10 units on the ground floor*

- *granted them variance relief for no elevator and no accessible units at the second floor, on the condition that all of the first floor be compliant Group 1 Units, and that dual inspection and review be completed by the Building Commissioner and the AAB*

- *met with architect, building commissioner, and building owner on Thursday, August 7<sup>th</sup>*

- *asked that the dual inspection requirement be lifted*



- EXHIBIT – Eric Trolley e-mail on August 7<sup>th</sup> seeking for the dual inspection requirement to be lifted in order to get the work going

*AB - accept the request to remove the requirement for dual inspection of the building prior to the construction going forward*

*JD - second – carries unanimously*

### ***LUNCH BREAK***

21) Incoming: 12 Story mixed use, office building, 4 Cambridge Center, Cambridge (V14-203)

TH - EXHIBITS – variance application and supplemental information

- variance for the installation of a LULA to provide a new route in comparison to the new stair being created

- compliant LULA to create access to tenant spaces

*JD - grant as proposed*

*AB - second – carries unanimously*

22) Incoming Discussion: Middlesex County House of Correction, Building #2, 269 Treble Cove Road, Billerica (V14-043)

TH - EXHIBIT – August 1, 2014 submittal from Chris Green of Middlesex House of Correction, showing movable exam tables

*AB - accept as proposed*

*GD - second – carries unanimously*

23) Incoming Discussion: #4 School House, 209 Farrington Road, Barre (C14-004 & V14-006)

TH - EXHIBIT – August 4, 2014 submittal from Arlene Betteridge, Project Manager

- proposed route via grass pavers to the School House building from an accessible parking space

- still cannot use until access provided

JD - use of the building?

TH - historic school house and adjacent field used for Town events

*JD - accept the proposed plan (L2, dated 7/16/14 and prepared by Chenot Associates), and cannot open until access is provided as proposed, maintaining previous order of the Board*

*AB - second – carries unanimously*

24) Incoming Discussion: The Old Gaol (Jail), 15R Vestal Street, Nantucket (V14-117)

TH - EXHIBIT- Site Visit pictures from July 22, 2014 site visit conducted by TH

- originally presented in June of 2014 as incoming variance request

- were spending over 30%

- based on the fact that it was an antique jail building with a 14 inch step up into the first floor, two jail cells at the first floor and two cells at the second floor

- seeking no access into the old building, on the condition that they provided an interpretive shed about what is in the Old Gaol
- went to the site on July 22, 2014 and took pictures showing that the interpretive shed was up a step and not accessible

*JD - require that the interpretive shed is accessible prior to opening for the next visitors season, or by April 1, 2015*

*RG - second – carries unanimously*

25) Incoming Discussion: Powdermill Village Project, 126 Union Street, Westfield (V13-280)

- TH - previously required status reports starting June 1, 2014
- EXHIBIT – Thomas Hartman, Architect, submittal of status report, received on August 4, 2014
  - status report on the mechanical and envelop work
  - asking for an amendment to the date of August 1, 2016 to complete the Group 2A dwelling units, they had asked for 5 years, but the Board ordered the date shortened
  - concerns that the work will not be done until August 1, 2017
  - originally proposed 6 units (which was accepted), but they had rounded up and not down, and are now proposing to only provide 5 units

*JD - deny the extension request*

*AB - second – carries unanimously*

*JD - reaffirm the original decision and requirement of 6 units, as proposed by the petitioners*

*RG - second – carries unanimously*

26) Incoming Discussion: Schofield Elementary School, 27 Cedar Street, Wellesley (V14-168)

- TH - originally present on the July 14<sup>th</sup>
- originally granted the variance for the lack of access at the second entrance into the library, one ramp is already provided creating access into the library

*JD - reaffirm to grant as proposed for the lack of ramp and the lack of compliant door clearances at the secondary entrance to the library*

*AB - second – carries unanimously*

- TH - three doors that do not meet the push side clearances
- previously denied the variances for all three and required move the furniture

*AB - withdraw previous denial and require more information regarding if the doors have closers*

*JD - second – carries unanimously*

- TH - also proposed manufactured wood fiber for path of travel to all of the playground equipment
- original vote was to deny the use of wood fiber

*JD - reaffirm denial of variance request for playgrounds*

*RG - second – carries unanimously*

27) Discussion: Grafton Town House, One Grafton Common, Grafton (V10-081)

TH - originally proposed to be presented on June 16<sup>th</sup>, but since that hearing was cancelled, moved to now  
- EXHIBIT – June 9, 2014 submittal from Neil Dixon, Architect, seeking an amendment to the variance for the lack of level landings at some new doors, with a slope of 3.26%, instead of 2%

*AB - grant the variance for the lack of level landings at the doors in question*

*GD - second – carries unanimously*

28) Incoming Discussion: Artis Senior Living, 110 Main Street, Reading (V14-067)

TH - on March 24, 2014, denied their request  
- seeking variances to 44.6.2, for Group 2B bathrooms, to not provide wheel-in showers  
- met with the Petitioners  
- at the time that the variance application was submitted, it was in the preparing construction documents phase  
- EXHIBIT – now seeking variances for the location of shower controls for four of the bathrooms;  
August 4, 2014 Allen McIlvried

*JD - grant as proposed*

*AB - second – carries unanimously*

TH - also seeking variances for four pantry areas, and propose to use typical kitchen appliances  
- used as visual anchors and only used when supervised when baking cookies  
- unless an employee is present, the appliances are disconnected and locked

*AB - grant as proposed*

*JD - second – carries unanimously*

TH - cabinets and countertops in the pantry areas, seeking that the main countertop height be installed at 36” high, and have lowered island counter to 34” with kneespace below  
- they are also proposing 60” to the bottom of the cabinet, but there are also accessible cabinets  
- cabinets are only used in the presence of a care giver

*AB - grant as proposed*

*RG - second – carries unanimously*

29) Incoming Discussion: Summer Street Baptist Church, 1 Summer Street, Nantucket (V14-033)

TH - EXHIBIT – August 1, 2014 from Nathan McMullen, Architect, submitted design change regarding access to the altar

- now proposing to put the lift on the other side of the altar and recess it into the altar

*JD - grant as proposed*

*AB - second – carries unanimously*

TH - rearrangement of seating spaces 3 and 4  
- where originally proposed to be at the back of the house  
- proposing to move up to the front of the house on the right side, while accessible spaces 1 and 2 are at the left side of the space

*RG - grant as proposed*

*AB - second – carries unanimously*

30) Hearing: Stone's Public House (Johnstone's Inn), 179 Main Street, Ashland (C11-106)

WW - called to order at 2 p.m.  
- introduce the Board

Gregory Bergeron, Manager (GB)

James Ward, Manager (JW)

David Correia, MetroWest Center for Independent Living Center (DC)

Mark Dempsey, Compliance Officer (MD)

WW - all sworn in  
- EXHIBIT 1 – AAB1-21

DC - filed the complaint on September 9, 2011  
- due to the back door being locked with a buzzer and the lack of accessible parking  
- submittal of pictures taken Thursday on August 7, 2014

WW - accept the two photographs as EXHIBIT 2

DC - when they went to the building, the owners had originally proposed to address the situation in 6 months, which is June of 2014  
- also noted the lack of access at the patio  
- understand it is historic

MD - first notice was sent out in December of 2012, received a response in January of 2013 from the owners  
- was originally dealt with by Jean Batty, a volunteer for the Board, but she left and the case was left

*JD - find in favor of the complainant*

*RG - second – carries unanimously*

GB - received the original complaint in December of 2012, and responded with plan in January of 2013

- asked for 6 months to reseal and stripe the parking lot
- the buzzer is in place and the locks were changed to make sure that the rear door is unlocked and open during business hours
- there is directional signage posted
- responded on May 30, 2013 and asked for more time
- proposing to restripe the parking lot this Thursday at 9 a.m.
- where the spaces are currently proposed, there is not enough space to provide accessible parking
- there is only 22 feet and the length of the space is a concern as well, so cannot provide the spaces
- proposing two van accessible spaces across from the ramp

WW - can do one van accessible in the two spaces closest to the ramp, and then create the standard accessible parking space across at the other parking area

TH - send receipt of locksmith work to confirm that locks for entrance at the rear

*JD - require that the two proposed van accessible parking spaces (one by the ramp and one in the adjacent parking area) be completed by Monday August 18<sup>th</sup> and verification of completion of the work within 30 days of receipt of the decision.*

*AB - Second – carries unanimously*

*RG - motion to expedite*

*JD - second – carries unanimously*

*JD - require the receipt of the locksmith work be submitted to the Board within 30 days receipt of the decision of the Board*

*AB - second – carries unanimously*

### 31) Advisory Opinion: Anderson Sliding Door Thresholds, 2 Group 2A units in Existing Condo building

TH - EXHIBIT- e-mail from David Carver of Scarafoni Associates, dated August 4, 2014

- several sketches of proposed thresholds

*AB - accept as compliant*

*JD - second – carries unanimously*

### 32) Discussion: 40 Norris Street, Cambridge (V12-293)

TH - EXHIBIT - July 25, 2014 submittal by Dominic Valente, seeking additional amendments; July 25, 2014 e-mail from Mouhab Rizkallah; July 30, 2014 e-mail from Larry Braman

- received a letter from Larry Braman stating that they oppose the granting of variances requested
- Braman stated that the ramp built with a steeper slope, although designed as 1:20, needs handrails
- Petitioners propose slope of the walkway is 6.6% and providing one handrail
- Braman is asking for two handrails

*JD - grant the variance for the slope, on the condition that handrails are provided at both sides*

*be provided*  
- amend, and grant the variance for the width between the handrails and require two handrails

*AB* - second – carries unanimously

TH - second request for the height of the buzzers  
- 61 ¼ inches to the center of the highest button

*AB* - grant the variance request  
- withdraw

*RG* - deny

*JD* - second – carries

*RG* - compliant height of buzzers within 60 days receipt of decision

*JD* - second – carries unanimously

TH - EXHIBIT – July 24, 2014 email with photos submitted by Dominic Valente  
- slope of the walkway is 1:28

*JD* - grant the variance for the lack of compliant slope in front of the mailboxes (3.6%), on the condition that the Petitioner submit an amendment requesting the variance for the lack of compliant level area, and on the condition that the mailboxes for the Group 2 A units are within the zone of reach

*AB* - second – carries unanimously

33) Discussion: Carter Memorial United Methodist Church, 800 Highland Avenue, Needham (V14-209)

TH - EXHIBIT – Doug Sacra letter and submittal dated August 3, 2014  
- proposing portable ramp to create access to the lowest level of the chancel, designed without railings but with a 2 inch curb, 36 inches clear width

*JD* - grant as proposed

*AB* - second – carries unanimously

- on the condition that policy regarding use of ramp and how it is requested and put out, to be submitted to the Board within 60 days receipt of decision

TH - seeking variance for lack of assisted listening devices  
- seeking to not provide portable assisted listening devices

*JD* - deny the variance request for lack of assisted listening devices

*AB* - second – carries unanimously

TH - variance for pull side clearances at 18 doors  
- \$3,200 to correct each door

*AB* - require modified keyed plans

- *withdraw*

*JD - deny on the basis that the information submitted does not prove that compliance would be technologically infeasible or an excessive cost without substantial benefit to persons with disabilities*

TH - also seeking variance for the lack of push side clearances at 11 doors

*JD - withdraw*

*JD - grant the variance for the lack of maneuvering clearances at all doors in questions, with the exception of the classroom doors*

*AB - second – carries unanimously*

TH - kitchen variances  
- proposing compliant kitchen facility at the first floor

*JD - deny the variance requested for kitchen*

*RG - second – carries unanimously*

TH - toilet rooms within classrooms

*JD - deny*

*AB - second – carries unanimously*

TH - height of the stairwell handrails

*JD - grant on the condition that compliant wall side handrails are provided at the existing stairs*

*AB - second – carries unanimously*

TH - door hardware  
- 51 doors that are not rooms used by the public, Commission supports the variances  
- 21 doors to public space that don't have compliant door hardware

*JD - deny, any door used by the public is required to have compliant door hardware*

*RG - second – carries unanimously*

#### 34) Discussion: Minutes and Decisions from July 28, 2014

KS - any changes

*JD - accept minutes and decisions*

*AB - second – carries unanimously*

- End of Meeting -

NOTE: Hearing for Canoe Club Ballroom, 2 South Street, West Bridgewater (C12-086 & V13-282) not held due clerical error and lack of notice to all parties concerned

## EXHIBITS:

### New Incoming Case Review:

- TD Bank, 2 Harbor Loop, Gloucester (V14-206) - variance application and supplemental information
- Milford Medical Center, 14 Prospect Street, Milford (V14-199) - variance application and supplemental information
- Union Crossing (Duck Mills), 4 Union St., Lawrence (V14-200) - variance application and supplemental information
- School of the Museum of Fine Arts, 230 The Fenway, Boston (V14-201) - variance application and supplemental information
- Village Hall, 14 Vernon Street, Framingham (V14-202) - variance application and supplemental information
- Apartments at 2 Washington Street, Melrose (V14-204) - variance application and supplemental information
- Apartment Building, 84 Fenway, Boston (V14-205) - variance application and supplemental information
- O'Brien Funeral Home, 17 Clark Street, East Hampton (V14-207) - variance application and supplemental information
- Cambridge Athletic Club, 215 First Street, Cambridge (V14-195) - variance application and supplemental information
- WinCAM, Winchester Community Access & Media, Inc., 32 Swanton Street, Winchester (V14-196) - variance application and supplemental information
- New England Board of Higher Education, 45 Temple Street, Boston (V14-197) - variance application and supplemental information
- Longfellow Bridge Stairs, Route 3A, Boston and Cambridge (V14-194) – variance application and supplemental information
- BART Charter School, 1 Commercial Street, Adams (V14-198) – variance application and supplemental information
- 12 Story mixed use, office building, 4 Cambridge Center, Cambridge (V14-203) - variance application and supplemental information
- Schofield Elementary School, 27 Cedar Street, Wellesley (V14-168) – variance application and supplemental information

### Administrative Review:

- Anderson Sliding Door Thresholds, 2 Group 2A units in Existing Condo building - e-mail from David Carver of Scarafoni Associates, dated August 4, 2014

### Administrative Discussion of Pending Cases:

- The Old Gaol (Jail), 15R Vestal Street, Nantucket (V14-117) – pictures from July 22, 2014 site visit
- #4 School House, 209 Farrington Road, Barre (C14-004 & V14-006) - August 4, 2014 submittal from Arlene Betteridge, Project Manager
- 11 North Restaurant, 11 North Water Street, Edgartown (V12-206) - Executed License Agreement submitted by John Roberts (owner) on August 5, 2014
- 22 Federal Street, Nantucket (V14-178) - submitted via email from Alycia Springer of Beacon Architectural Design, submittal of new pictures and plans



- Crossings at South Dennis, 47 Route 134, Dennis (V14-158) – Eric Trolley e-mail on August 7<sup>th</sup> seeking for the dual inspection requirement to be lifted in order to get the work going
- Greater Plymouth Center for the Arts, 25 ½ Court Street, Plymouth (V14-042) - Bob Hollis letter submitted on July 30, 2014, with specifications of the vertical wheelchair lift
- Middlesex County House of Correction, Building #2, 269 Treble Cove Road, Billerica (V14-043) - August 1, 2014 submittal from Chris Green of Middlesex House of Correction, showing movable exam tables
- Artis Senior Living, 110 Main Street, Reading (V14-067) – now seeking variances for the location of shower controls for four of the bathrooms; August 4, 2014 Allen McIlvried
- Powdermill Village Project, 126 Union Street, Westfield (V13-280) – Thomas Hartman, Architect, submittal of status report, received on August 4, 2014
- Grafton Town House, One Grafton Common, Grafton (V10-081) – June 9, 2014 submittal from Neil Dixon, Architect, seeking an amendment to the variance for the lack of level landings at some new doors, with a slope of 3.26%, instead of 2%
- Summer Street Baptist Church, 1 Summer Street, Nantucket (V14-033) – August 1, 2014 from Nathan McMullen, Architect, submitted design change regarding access to the altar
- 40 Norris Street, Cambridge (V12-293) - July 24, 2014 email with photos submitted by Dominic Valente; July 25, 2014 submittal by Dominic Valente, seeking additional amendments; July 25, 2014 e-mail from Mouhab Rizkallah; July 30, 2014 e-mail from Larry Braman
- Carter Memorial United Methodist Church, 800 Highland Avenue, Needham (V14-209) - Doug Sacra letter and submittal dated August 3, 2014

Matters not reasonably anticipated 48 hours in advance of meeting:

- Crossings at South Dennis, 47 Route 134, Dennis (V14-158) – Eric Trolley e-mail on August 7<sup>th</sup> seeking for the dual inspection requirement to be lifted in order to get the work going